



**IN THE  
SUPREME COURT OF THE  
UNITED STATES**

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**Number 381**

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**SIOUX CITY BRIDGE COMPANY,**  
*Petitioner,*  
**vs.**  
**DAKOTA COUNTY, NEBRASKA,**  
*Respondent.*

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**In the Matter of the Application of Sioux City Bridge Company for a Writ of Certiorari to the Supreme Court of the State of Nebraska.**

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**PETITION FOR REHEARING OF APPLICATION FOR  
WRIT OF CERTIORARI**

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To the Honorable, the Chief Justice and Associate Justices  
of the Supreme Court of the United States:

Comes now the Sioux City Bridge Company and respectfully prays the Court to set aside the order of dismissal lately entered in this cause, on the ground that the petition was not presented to the Court on motion day, and to grant a rehearing on said petition for Certiorari on its merits for the following reasons:

1. Counsel for Petitioner was mislead as to the custom and practice concerning petitions for certiorari and by reason thereof did not appear before the Court personally to present said petition, nor request the clerk in writing so to do by the following circumstance:

At the commencement of the October, 1920, term, counsel for petitioner had on file in this Court a similar application in the case of *Chicago & North Western Railway Company vs. C. C. Whitnack Produce Co.*, and counsel made a trip from Omaha, Nebraska, to Washington, D. C., to personally present said petition to the Court. Upon arrival at the office of Hon. James D. Maher, Clerk of the Court, counsel was advised that the court preferred that the clerk present such petition and that counsel not appear before the Court for that purpose, and the clerk exhibited to counsel a list of more than a dozen cases on application for certiorari, and at that time the case in which counsel was interested already appeared on the list which the clerk had prepared for presentation to the Court. Counsel had not requested the clerk either in writing or orally to present said petition. Counsel understood that the clerk, without request, presented all such matter to the Court because that was the method the Court preferred to have followed. On that occasion, therefore, the clerk presented the petition to the Court and counsel did not appear, notwithstanding he made the trip to Washington for that purpose. Relying upon that understanding of the custom and practice, counsel did not go to Washington to present the petition personally, but fully expected the Clerk of the Court to present the petition in accordance with the custom above explained.

2. At the time of the opening of the October, 1921, term of this Court, counsel was actually engaged as counsel for defendant in the trial of an important suit in the District Court of Brown County, Nebraska, in which the Di-

rector General of Railroads, Agent of the President, was defendant.

3. The matter involved in the petition for certiorari is of very great importance, both to the petitioner and to the public, and justice will be greatly promoted by having said petition for certiorari considered by the Court upon its merit.

-----**Wymer Dressler**-----  
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*Counsel for Petitioner.*

STATE OF NEBRASKA }  
 COUNTY OF DOUGLAS } ss.

Wymer Dressler, being first duly sworn on oath deposes and says that he is counsel for petitioner in above case and had conducted said litigation through the various State Courts and prepared the petition for certiorari in this cause; that the foregoing explanation of his failure to appear before the Court or request the clerk in writing to present the petition for certiorari is true, and that the other statements contained above are true.

-----**Wymer Dressler**-----  
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Subscribed in my presence and sworn to before me this 29th day of October, 1921.

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*Notary Public, Douglas County.*